

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WINDSTREAM SERVICES, LLC,

Plaintiff,

– against –

BMG RIGHTS MANAGEMENT (US) LLC
and RIGHTSCORP, INC.,

Defendants.

Civil Action No. 16-cv-5015-AT-RLE

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Declaration of Michael J. Allan, and all prior pleadings and proceedings herein, Defendants BMG Rights Management (US) LLC and Rightscorp, Inc., by and through their counsel, will move this Court before the Honorable Analisa Torres, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and time to be set by the Court for an order, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint of Plaintiff Windstream Services, LLC with prejudice, together with such other and further relief as this Court deems just and proper.

Dated: New York, New York
October 4, 2016

STEPTOE & JOHNSON LLP

By: /s/ Michael J. Allan

Michael J. Allan

Jeffrey M. Theodore (admitted *pro hac vice*
as to Defendant BMG Rights Management
(US) LLC; application to appear *pro hac
vice* on behalf of Defendant Rightscorp,
Inc. to be submitted)

STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
Tel: (202) 429-3000
Email: mallan@steptoe.com

Evan Glassman
STEPTOE & JOHNSON LLP
1114 Avenue of the Americas
New York, NY 10036
Tel: (212) 506-3900
Email: eglassman@steptoe.com

Counsel for Defendants

To: Brett C. Govett
Stephen L. Meyers
Norton Rose Fulbright US LLP
2200 Ross Avenue, Suite 3600
Dallas, Texas 75201

Judith A. Archer
Norton Rose Fulbright US LLP
666 Fifth Avenue
New York, New York 10103

Counsel for Plaintiff